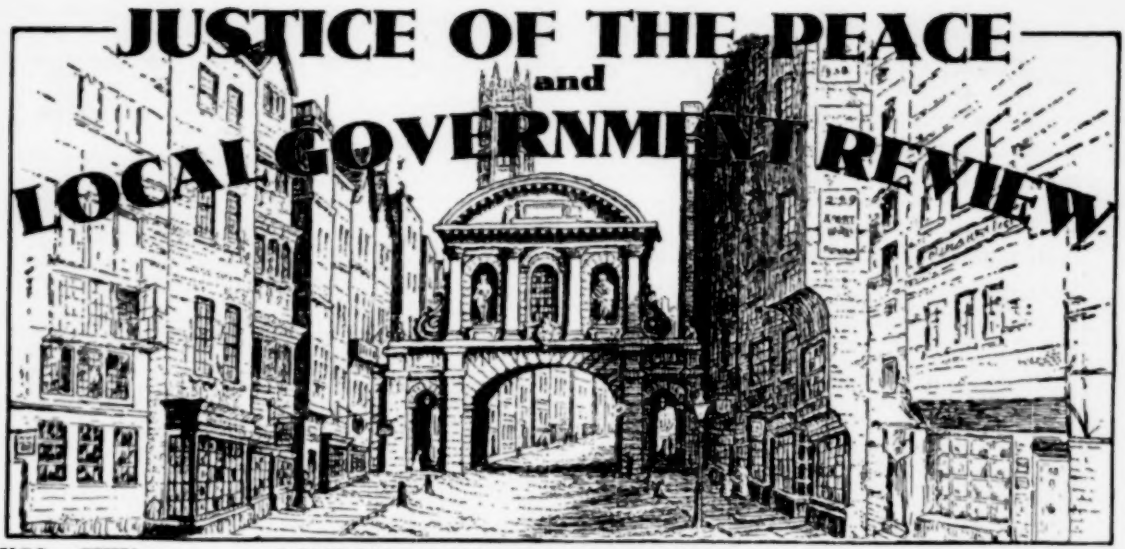

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LEGACIES
FOR ENDOWMENT

THOSE making or revising their Wills may like to consider benefiting some selected aspect of Church Army Social or Evangelistic work by the endowment of a particular activity—thus ensuring effective continuance down the years.

Gifts—by legacy or otherwise—will be valued for investment which would produce an income in support of a specific object, of which the following are suggestions:—

1. **Training of future Church Army Officers and Sisters.**
2. **Support of Church Army Officers and Sisters in poorest parishes.**
3. **Distressed Gentlewomen's Work.**
4. **Clergy Rest Houses.**

Preliminary enquiries will be gladly answered by the

Financial Organising Secretary
THE CHURCH ARMY
55, Bryanston Street, London, W.1

A Recommendation to Mercy

In recommending a bequest or donation to the RSPCA you may confidently assure your client that every penny given will be put to work in a noble cause. Please write for the free booklet "Kindness or Cruelty" to the Secretary, RSPCA, 105 Jermyn Street, London, S.W.1.

REMEMBER THE
RSPCA

MISS AGNES WESTON'S
ROYAL SAILORS RESTS
PORTSMOUTH (1881) DEVONPORT (1876)
GOSPORT (1942)

Trustee in Charge:
Mrs. Bernard Currey

All buildings were destroyed by enemy action, after which the Rests carried on in temporary premises. At Devonport permanent quarters in a building purchased and converted at a cost of £60,000 have just been taken up whilst at Portsmouth plans are well advanced to build a new Rest when permission can be obtained.

Funds are urgently needed to meet heavy reconstruction commitments and to enable the Trustees to continue and develop Miss Weston's work for the Spiritual, Moral and Physical Welfare of the ROYAL NAVY and other Services.

Gifts may be earmarked for either General or Reconstructional purposes.

Legacies are a most welcome help

Not subject to Nationalisation.

Contributions will be gratefully acknowledged. They should be sent to the Treasurer, Royal Sailors Rests, Buckingham Street, Portsmouth. Cheques, etc., should be crossed National Provincial Bank Ltd., Portsmouth.

Official Advertisements, Tenders, etc.

Official Advertisements (Appointments, Tenders, etc.), 2s. per line and 3s. per displayed headline. Miscellaneous Advertisements 24 words 6s. (each additional line 1s. 6d.) Box Number 1s. extra. *Latest time for receipt—9 a.m. Wednesday.*

NOTTINGHAMSHIRE

Appointment of Male Probation Officer

THE Nottinghamshire Combined Probation Committee invite applications for the appointment of full-time Male Probation Officer, at a salary in accordance with the Probation Rules, 1949.

Forms of application, with conditions of appointment, may be obtained from my office, and completed forms must be received by me not later than December 2, 1950.

K. TWEEDALE MEABY,
Clerk of the Peace.

Shire Hall,
Nottingham.

CITY OF NOTTINGHAM

Appointment of Deputy Town Clerk

THE Nottingham City Council invite applications from Solicitors experienced in the work of local government for the appointment of Deputy Town Clerk at a salary of £2,000 per annum.

The appointment is subject to the Local Government Superannuation Act, 1937, and the successful applicant will be required to pass a medical examination.

Applicants should provide the names of two persons to whom enquiries can be addressed.

Applications, endorsed "Deputy Town Clerk" on the envelope, should reach me not later than Friday, December 8, 1950.

J. E. RICHARDS,
Town Clerk.

The Guildhall,
Nottingham.

BOROUGH OF ECCLES

Appointment of Clerk to the Justices

APPLICATIONS are invited from persons duly qualified in accordance with Section 20 of the Justices of the Peace Act, 1949, for the appointment of full time Clerk to the Justices.

Applications should indicate salary required, having regard to their experience and present status.

Office accommodation will be provided, together with necessary books, stationery, etc.

The appointment is subject to the confirmation of the Secretary of State and to the provisions of the Local Government Superannuation Act, 1937, and will be determinable by three months' notice on either side. The successful candidate will be required to pass a medical examination.

Applications, giving age, particulars of education, qualifications, past and present employment, particulars of experience and the names of two referees, must be addressed to the Chairman of the Justices' Office Committee, The Court House, Eccles, not later than Monday, December 4, 1950. Envelopes should be marked, "Application."

J. L. THOMPSON,
Acting Clerk to the Justices.

COUNTY OF DENBIGH

Appointment of Senior Assistant Solicitor

APPLICATIONS are invited from admitted Solicitors for the post of Senior Assistant Solicitor in the Office of the Clerk of the Peace and of the County Council at a salary of £800, rising, subject to satisfactory service by annual increments of £25 to £1,000 per annum.

Applicants must have good experience in conveyancing and advocacy, and local government service will be a considerable advantage. A knowledge of Welsh will also be an additional qualification.

The appointment will be subject to the general Conditions of Service applicable to the County Council's staff, and to the provisions of the Local Government Superannuation Act, 1937. The successful candidate will be required to pass a medical examination and his appointment will be terminable by two calendar months' notice on either side.

Canvassing, directly or indirectly, will disqualify.

Applications, for which no form is issued, stating age, education, qualifications and experience, together with a copy of one recent testimonial and the names of two referees, must reach the undersigned not later than December 9, 1950.

W. E. BUFTON,
Clerk of the County Council.

County Offices,
Ruthin.
November 8, 1950.

COUNTY OF OXFORD

Banbury and Bloxham Petty Sessional Division

Appointment of Clerk to the Justices

APPLICATIONS are invited from persons duly qualified in accordance with Section 20 of the Justices of the Peace Act, 1949, for the appointment of part-time Clerk to the Justices for the above-named Division. Applicants should be prepared to take up their duties on January 1, 1951.

The personal salary attaching to the appointment is £175 per annum, plus a sum of £116 per annum in respect of clerical assistance, office accommodation and maintenance of office furniture. In addition the Clerk to the Justices will be reimbursed expenditure incurred in respect of law books, magisterial forms, office stationery, registers, telephones and postages.

The appointment will be subject to the confirmation of the Secretary of State, and will be terminable by three months' notice on either side.

Applications, stating age and full particulars of qualifications, experience, and past and present employment, must reach the undersigned not later than Monday, December 11, in envelopes marked "Justices' Clerkship" and should be accompanied by copies of two recent testimonials.

E. LAMLEY FISHER,
Clerk to the Justices.

8, Horse Fair, Banbury, Oxon.

CITY AND COUNTY OF KINGSTON-UPON-HULL

Appointment of Full-time Male Probation Officer

APPLICATIONS are invited for the above appointment.

Applicants must not be less than 23 nor more than 40 years of age except in the case of a serving full-time Probation Officer. The appointment will be subject to the Probation Rules, 1949, and the salary will be in accordance with such Rules and subject to superannuation deductions.

The successful candidate will be required to pass a medical examination.

Applications, stating age and qualifications and experience, together with copies of not more than two recent testimonials, must reach the undersigned not later than Friday, December 15, 1950.

T. A. DOUBLEDAY,
Secretary to the Probation Committee.

The Law Courts,
Hull.

BOROUGH OF WHITEHAVEN

Legal and General Assistant

APPLICATIONS for the appointment of a Legal and General Assistant are invited from persons having had good conveyancing and other legal experience in either a solicitor's office or in the legal department of a local authority. Experience of clearance schemes and of Committee work an advantage. Salary within the scale £520-£570. Housing accommodation will be considered if necessary.

The appointment will be subject to the Local Government Superannuation Act, 1937, and the successful candidate will be required to pass a medical examination.

Applications, stating age, past and present appointments and experience, together with copies of two recent testimonials, should reach the undersigned not later than December 1 next.

Canvassing will disqualify.

W. H. J. BROWNE,
Town Clerk.

Town Hall,
Whitehaven.
November 14, 1950.

APPLICATIONS are invited for the post of **Assistant to the Stipendiary Magistrate's Clerk** at 42, Waterloo Road, Wolverhampton, at a commencing salary of £350 to £400 per annum, according to experience, rising by annual increments of £25 to £450 per annum; Applicants should have general knowledge of the work of a Magistrate's Clerk's Office. The successful candidate will be required to pass a medical examination and to pay contributions under the Local Government Superannuation Act, 1937; Applications, stating age, qualifications and experience, accompanied by copies of not more than three recent testimonials, must be received by me at the address below not later than December 8, 1950.

THOMAS H. WOLVERSON,
Clerk to the South Staffordshire Stipendiary Justice Commissioners.

47, Queen Street,
Wolverhampton.

Justice of the Peace
and
Local Government Review
[ESTABLISHED 1837.]

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NOTES of the WEEK

Witnesses out of Court

It is a proper practice, the reasons for which are obvious, that witnesses who are to give evidence in a contested case should be out of court until their turn comes to give evidence, and that thereafter they should remain in court until the conclusion of the case, unless given special permission by the court to leave sooner. We have seen a report in a newspaper of some remarks said to have been made recently by Cassels, J., at Gloucester assize. It is reported that he asked to see the husband of a woman charged with infanticide and was told that a police officer had made the man wait outside. The learned judge said that the man had a right to be in court, and that this applied to all witnesses *unless there was a contest*. The report goes on to give the reasons stated by the judge for this ruling. He said that people whose houses had been burgled, taking this as an example, had a right to hear what was happening. It was not enough for them to be kept outside till the case was over and then to be told, "come and get your expenses, he has got twelve months."

This statement of the right of interested parties to be present in court and to see and hear for themselves what goes on is an important one. The administration of justice is a matter of public concern, and those having a particular interest in any case are likely to pay attention to the proceedings and so to form views on the way that justice is administered. The laws of this country are amended from time to time because of the pressure of so-called public opinion on particular matters, and it is better that that opinion should be an informed one based on first hand knowledge. There is too much tendency, on many occasions, for a small minority of active persons to wield, allegedly on behalf of the public, an influence out of all proportion to their numbers and importance.

Larceny of Misdelivered Property

What is conveniently classified in police circles as "larceny, misdelivery" has given rise to many a problem and a certain amount of case law. Lawyers find occasion for some nice arguments and fine distinctions, and the interpretation put upon the decisions is not unanimous. What most of them are agreed about is the desirability of some simplification of the law of larceny generally.

The current number of *The Law Quarterly Review*, contains an erudite article by Mr. Rupert Cross, entitled "Larceny *De Lege Lata*" in which he joins issue with the author of a previous article and sets out his own views, with particular reference to the case of *R.* v. *Hudson* [1943] 1 All E.R. 642.

In that case, it will be remembered the defendant received a letter containing a cheque which was sent by mistake to him, and there was no evidence when it was opened, but eventually he opened it and discovered the cheque, and then decided to appropriate the cheque and deprive the owner of his property, it was held to be larceny of the cheque, although there was no *animus furandi* when he first received the letter.

The principle that a person who receives possession of property innocently, cannot be guilty of larceny, if he subsequently converts it to his own use, still holds good, subject to statutory exceptions; but, adds Mr. Cross, there is room for more than one view as to what is meant by "possession" in this context; and he contends that the word "possession" may have different meanings in relation to different branches of the law. It is upon this basis, and with due regard to decided cases, that he derives any unsoundness in the proposition that in *R.* v. *Hudson* the taking of the cheque was when the defendant opened the envelope and found it. He quotes *Stephen*: "The important point in larceny, is not the taking out of the possession of the owner, but the taking into the possession of the thief."

Finally, Mr. Cross says he agrees with the previous commentator on *R.* v. *Hudson* who wrote: "We ought to substitute a simple law of theft for our present complicated system of larceny, obtaining by false pretences, etc., which only leads to confusion, and the defeat of justice."

Slow

In *Tolhurst* v. *Webster* [1936] 3 All E.R. 1020, it was decided that "Halt," as a traffic sign, means bring the vehicle to a standstill and then continue the journey. We have always thought it rather obvious that "Halt" really means stop and not go very slowly, and have wondered what a sergeant-major would say if, on his giving the command "Halt," the troops reduced speed to a snail's pace and then quickened. However, it needed a decision from the Divisional Court to decide the point authoritatively.

Another traffic direction, not nearly so easy to define, is the word "Slow." This was recently considered in *Ruffel* v. *Cardox (Gt. Britain) Ltd. and Another* [1950] 2 All E.R. 878, by the Court of Appeal. This was a successful appeal against the dismissal of an action for damages arising out of a road accident.

Bucknill, L.J., said: "I do not think that 'slow' means any more than 'proceed with caution'—'proceed at such a speed that you can stop if, when you get to the crossing, you

find somebody or something in the process of crossing, or about to cross."

Singleton, L.J., observed that it was not easy to define the word "slow," and that what seemed slow to a motorist might appear fast to a pedestrian: the sign is an indication to the motorist that he is approaching a place of potential danger, and that he ought to be driving more slowly than he would drive on an open road, so that he could pull up easily if necessary.

Although this was a civil action, it is hardly necessary to point out that the same kind of question may often arise in criminal proceedings, and that therefore the decision is of importance to justices and their clerks. On the general question of road safety, we suggest that if every motorist interpreted the "slow" sign, as many do, as an imperative "slow-down," some accidents would be avoided.

Probation in Sheffield

The report of the probation committee for the city of Sheffield for the year ended June 30, last, contains a suggestion about homes and hostels which deserves consideration. The magistrates and the principal probation officer have been much concerned about the number of young people who abscond from probation hostels and homes. It is said that often these are allowed to return to home or hostel without any sort of punishment and that this rather encourages others to follow their example. It is worthwhile to remember that for a breach of a requirement of a probation order a fine may be imposed without putting an end to the order. The exercise of this power in suitable cases would no doubt have a good effect. The report further suggests that in the case of some offenders, especially girls, six months in a probation home, with its closer supervision and stricter discipline, followed by a period in a probation hostel, might be more suitable than immediate residence in a hostel. Where this has been tried it has proved successful.

Probation work has met with considerable success, as the statistics show. It is also satisfactory to read that the number of applications in matrimonial cases decreased from 589 in 1948, to 418 in 1949. The committee feel that it may be claimed with some justification that due credit for this should be given to the work of the probation officers who interview married couples before any court proceedings are taken. So long as the parties concerned have it made clear to them that they have a perfect right to apply to a magistrate, it may be good policy to avoid actual recourse to the court, if there is hope of reconciliation.

Psychology and Common Sense

To some people any word beginning with "psych" is like a red rag to a bull; others regard psychology and psychiatry as the solution of all problems of human behaviour. As usual, the true view lies somewhere between the extremes.

A thoroughly sensible article, very short and entirely to the point, appears in the current number of the *Approved Schools Gazette*, under the title "Some Reflections on Psychology by an Amateur." The author, Mr. D. F. Earley, is a housemaster at St. Aidan's. He begins by suggesting that psychology is as old as philosophy and therefore as old as man, but that the two parted company when the science of psychology began to emerge about fifty years ago. He points out that there are still medical practitioners and teachers who profess not to be interested in psychology but actually practise it in their work. To those who say they prefer common sense he puts the question: "But what is psychology except a detailed search for, and analysis of, common sense even if the methods used are sometimes exasperating and obscure?"

It is therefore evident that Mr. Earley attaches value to psychology, practised by the right people in the right way; but he is not unmindful of the dangers, especially in the educational world and in the treatment of delinquency. In his opinion the three principal dangers are:

(1) Psychologists have through their theories of and excuses for delinquent behaviour tended to set up their own standards of morality which are often alien to established rules of society.

(2) In preaching self-expression for children and sublimation or deflection rather than correction, psychologists appear at times to overlook the fact that human nature abhors a lack of law and order even as nature herself abhors a vacuum.

(3) In the welter of new psychological theories and psychological tests that have been showered upon them in the last decade, teachers have been distracted from their primary and all important task of educating the young.

To make too many excuses for a child's misbehaviour, Mr. Earley contends, leads to a danger of assuming that the child has no moral reasoning of its own. It is a mistake to put too much emphasis on environment. The psychologist, he says, should conform to the accepted moral standards of society and not create theories to justify immoral behaviour.

Here is the final paragraph of the article: "The tide of psychology seems to have reached its high watermark in recent years and it is unfortunate that it has carried with it so much flotsam and jetsam in the way of quacks and absurd theories. As the tide recedes these are being left littered along the shore. When the shedding process is over the main body will remain healthy and invigorated. Even if we believe that old ideas are better than new ones, a study of psychology is worthwhile since it may show us how little we really knew about the 'old ideas'."

Corrective Training

The current number of *Probation* contains an article entitled "Corrective Training. Problems of Allocation" by R. S. Taylor, psychologist, corrective training allocation centre, Reading. This is useful and timely, because many people are anxious to know what happens to men sentenced to corrective training, how it differs from ordinary imprisonment, and how far it promises to be a success.

Mr. Taylor sees corrective training as a substitute for a series of short sentences of imprisonment, and its aims as giving offenders a greater sense of responsibility, offering more useful work than is usually found in prison, and affording greater facilities for occupational and educational training.

At present, the man sentenced to corrective training has to pass from eight to twelve weeks in a local prison, treated as an ordinary prisoner. Then he goes to Reading prison, where he remains for about three weeks. There, he is seen by the governor, the chief officer, the chaplain or priest, and the medical officer. After a few days he is seen by the psychologist, who is given the results of certain tests and whose principal duty is to assist the governor in the matter of allocation to a particular prison. The psychologist tries to make a vocational and personality assessment and to find out from the prisoner himself what he wants to do in the future. Later, the prisoner appears before an allocation board, where he is given an opportunity of saying anything which may be relevant to his future training and final allocation.

There are four types of prison, from minimum to maximum security, in which sentences of corrective training are undergone. These are briefly described. Mr. Taylor points out that

corrective training is not in itself different from the constructive training which has long been provided for selected prisoners. The number now involved, however, will be much larger than in the past. Further, the men selected for corrective training are of necessity a less highly selected group than those who have previously received special training. For this reason, it is likely that the percentage of successes may at first, appear rather low. However, corrective training is only just beginning, and it is reasonable to hope that it will develop on progressive lines and achieve good results.

The Youth Employment Service

A pleasing record of action, substantially implementing measures recommended by the Committee on Juvenile Employment Service (The Ince Committee) in 1945 as "necessary to establish a comprehensive juvenile employment service," is set down in the report of the National Youth Employment Council covering their term of office 1947-50. Progress since the Council was established can be described under five heads, (1) legislation embodied in the Employment and Training Act, 1948, in force on July 13, 1948, (2) smooth transfer of local responsibility from the Ministry of Labour and National Service to local authorities, followed by efficient administration in accordance with a coherent national policy, (3) development of the service, partly by building up a technique of vocational guidance and inducing major industries to improve their methods of recruiting and training young workers, (4) provision of careers information and publicity to make the work of the service more widely known, and (5) recruitment and training of staff.

Every local education authority was given an opportunity by the Act of 1948 to submit a scheme by January 12, 1949, for operating the youth employment service for the whole of its area, and the Act provided that a scheme should be brought into operation within six months of approval. Prior to the Act of 1948, schemes had been approved in England and Wales under the Unemployment Insurance Act, 1935, s. 81, in respect of seven administrative counties (apart from a few for parts of counties) and fifty-one county boroughs. Under the Act of 1948, forty-three out of sixty-three councils of counties and seventy-three out of eighty-three councils of county boroughs submitted schemes, the majority of which had been examined and approved by March, 1950.

Difficulties in finding satisfactory premises and staff have in some cases necessitated an extension of the period of six months within which a scheme would be brought into operation pursuant to the Act of 1948, s. 12 (5). Acute difficulties of some county councils are exemplified by one which required to find accommodation and staff for sixty-nine bureaux, including forty-one full time. Discretionary power of the Minister under s. 12 (5) is exercised by ascertaining when the authority will be in readiness, giving a final date for bringing their scheme into full operation, and telling them that within that period of time they may, by arrangement with the Ministry's regional controller, take over the work in stages as their offices are ready.

An endeavour to ensure smooth transfer of responsibility is made by the Ministry giving newly appointed officers a period of preliminary practice training. Prospective youth employment officers are given an insight into all phases of the service in operation, including school talks and individual interviews, placing in employment, and the handling of claims to unemployment benefit. The appointments of youth employment officers and assistants may be recognized for the purposes of Exchequer grant for a period not exceeding three months in advance of the coming into operation of an authority's scheme, and appointments of clerical staff for a period not exceeding two weeks in advance. Where a county youth employment officer is appointed to supervise the whole area the period of recognition for grant may be six months in advance of operation of the scheme. If requested, the Ministry lend experienced staff on suitable terms for a short period after a scheme is in operation.

Speaking generally, provision for older pupils leaving school above the statutory age is less well developed than was contemplated in the "comprehensive service" envisaged in the Ince report, although in a number of areas much has been done to meet their special needs. Where an authority have not undertaken to provide for all pupils at whatever age they leave school the official letter notifying the Minister's approval of a scheme has made it clear that this will be expected as soon as the authority are in a position to do so. If an authority, submitting a new or revised scheme, wish to use or continue to use specialist officers of the Ministry for the purpose of giving general careers talks and providing information for older pupils provision is made in their scheme for a period of two years, after which they are expected, either alone or in co-operation with neighbouring authorities, to place the service for older leavers on a proper footing.

A memorandum on vocational guidance, prepared by a consulting psychologist, has been issued by the National Youth Employment Council. This offers practical advice on the conduct of an interview with a boy or girl seeking advice. Experimental schemes, designed to improve the technique of vocational guidance, have been introduced by two local education authorities in collaboration with the National Institute of Industrial Psychology; the schemes were approved by the Central Executive and are grant-aided by the Ministry. A series of vocational guidance films, being prepared by the Central Office of Information for use by youth employment officers and teachers is mentioned in a chapter dealing with careers information and publicity in the recent report of the National Council. These films will help boys and girls to obtain an idea of what conditions are like in different kinds of employment, how the jobs are learnt, and what are the qualities required.

Recruitment for the service is, fundamentally, that the Ministry and local education authorities recruit youth employment officers by the methods normal to the Civil Service and Local Government Service respectively. Training has hitherto been mainly on the job, supplemented by short whole-time or longer part-time courses. Recently, however, one county authority with long experience in the administration of the service have established full-time courses for prospective officers at an adult education centre. Practical work, much of it in youth employment offices, is carried out during two periods of eight weeks sandwiched between three eight-week terms. A committee set up in consultation with the Minister of Education is considering, with a view to recommendations, the qualifications, recruitment and training of officers, including training courses for present officers.

Statistics appended to the report show that in England 796,000 and in Wales 50,000 boys and girls within the scope of the youth employment service (*i.e.*, above statutory school-leaving age and under eighteen years) entered the State national insurance scheme during the two years to December 31, 1949. During that period, in England 145,000 responded in writing and 122,000 in person to invitations to attend open evenings; the total number placed in employment through the service was 689,000. In Wales, a smaller proportion of those invited to attend open evenings actually did so, which is surprising in view of constant concern about unemployment, and depopulation, in that country. Nevertheless, the proportion placed in employment through the service in Wales appears to have been remarkably high, *viz.*, 48,900 out of the 50,000 new entrants into national insurance.

PROBATION AND SUPERVISION ORDERS

During the period when the Criminal Justice Act, 1948, was on its way through Parliament, and later when it was being brought into force piecemeal, it was sometimes said that the purpose of s. 74 was to assimilate supervision orders with probation orders. This may have been at the time a convenient way of indicating the general purpose of the section, but it may be the source of one or two errors which are cropping up from time to time, now that the section is in force, in various parts of the country. The fact is, of course, that the powers and procedure of the courts in probation and supervision cases have not been assimilated in detail: and reports that have reached us of courts imposing fines for "breach" of a supervision order, or issuing a warrant for "breach" of a supervision order after the person supervised had attained the age of seventeen, or naming in the order the petty sessional division instead of the person to whom the supervision is entrusted—reports of this kind suggest that it may be useful to examine the two sets of provisions as they now stand and set out the differences which still exist.

Beginning with the original order, it is to be noticed that a supervision order is still made under ss. 62, 63, 64 or 84 of the Children and Young Persons Act, 1933, and is governed by the rules and forms made under that Act. In general, s. 3 of the Act of 1948, which regulates probation orders, is not applied by s. 74 to supervision orders, so that in making a supervision order the court does not name the petty sessional division in which the juvenile resides, but names the supervisor. Moreover, the supervisor may still be a person other than a probation officer, whereas in probation cases there is now no power to order supervision by anyone but a probation officer. Nor does the provision as to consent in the case of persons over fourteen apply in supervision cases, though the old provisions as to consent of a young person in the case of a provision as to residence is preserved by s. 74 of the Act of 1948.

REQUIREMENTS AS TO RESIDENCE

The only parts of s. 3 which do apply to supervision orders are subss. (4) and (7). Subsection (4) requires the court, before imposing any requirement as to residence, to consider home surroundings, and to limit any period of *institutional* residence so imposed to twelve months. The institution must now be specified in the order—which prevents courts from using general requirements (such as "to reside where directed") to secure institutional residence.

Subsection (7) of s. 3 requires notice to be given to the Home Office where institutional residence is imposed, except where the residence is to be in an approved home or hostel or for the purpose of mental treatment under s. 4. This so far as supervision cases are concerned takes the place of a provision in the Act of 1938 which required notice in all cases of institutional residence. The process of assimilation is carried still further in regard to residential treatment by the application to supervision cases of subss. (2) and (3) of s. 5 (which requires a review of every requirement as to residence at the end of six months) and, in consequence, of r. 56 of the Probation Rules, 1949, which regulates these reviews. In supervision cases, however, the effect of the modification provided by s. 74 (4) (*c*) is that the review may be conducted either by the original court or, if the power of amendment has been transferred, by the court in which the institution is situated. As in probation cases it is the probation officer who is required to initiate the review by making a report, presumably it will be the supervisor who decides in practice whether the original court or the local court shall review the requirement as to residence.

Perhaps the most important step in assimilating the two kinds of order in so far as residential requirements are concerned is the provision for payment from public funds in supervision cases, effected by including this among the duties of probation committees in para. 3 (1) of sch. 5 of the 1948 Act. Consequentially, rr. 71 to 73 of the Probation Rules, 1949, which regulate such payments, are applied to supervision orders by r. 74, but only where the person appointed to supervise is a probation officer.

MENTAL TREATMENT

Section 4 of the Act of 1948 (which relates to requirements as to mental treatment) is applied to supervision cases *in toto*, and the assimilation is completed in this respect by the proviso requiring the consent of a young person, as in the case of a requirement as to residence.

AMENDMENT AND DISCHARGE

The amendment and discharge of supervision orders is dealt with by the application to such orders of s. 5 (1) and most of sch. 1 to the Act of 1948, together with the substitution (by sch. 9) of a new s. 4 of the Children and Young Persons Act, 1938. Here again, the assimilation is not quite complete. The effect of excluding in supervision cases the operation of para. 2 of sch. 1 is to leave it to the original court to decide, under the substituted s. 4, whether the powers of amendment and review may be exercised by the court in whose area the person supervised resides, though it may now transfer these powers at any time during the currency of the order and not (as formerly appeared to be the case) only at the time of making the original order. On the other hand the transfer of powers includes in supervision cases the power to discharge the order, whereas in probation cases only the original court may discharge and this power cannot be transferred. Once the clause relating to transfer of powers has been incorporated in a supervision order, the powers are transferred automatically on each change of residence, without the formality of making an amending order as in probation cases.

SUBSEQUENT ACTION

In probation cases the Act of 1948 made radical alterations in the provisions conferring jurisdiction to take further action during the currency of a probation order. In supervision cases this matter is left unchanged and is still governed by s. 66 of the Children and Young Persons Act, 1933, in its original form. Here there is no need for the elaborate provisions of ss. 6 and 8 of the Act of 1948; the child or young person may be further dealt with "in his interests," without proof of breach, and may be brought before a juvenile court (which presumably means any juvenile court) for the purpose. There is of course no question of punishment for breach of the order: the court has power only to substitute an approved school or fit person order for the supervision order.

AGE LIMITS

Probation, of course, may be used whatever the age of the defendant, but supervision orders may be made only in respect of juveniles, and there are certain other statutory limitations as to age in supervision cases which do not apply in probation cases. These provisions have all been left standing or re-enacted by the Act of 1948, but it may be convenient to list them here.

A supervision order made in substitution for a fit person order under s. 84 (6) of the Act of 1933 ceases to have effect when the person supervised attains the age of eighteen. In any other supervision case a requirement *as to residence* ceases to have effect when he attains the age of eighteen (s. 74 (1) of the Act of 1948, re-enacting s. 4 (1) (c) of the Act of 1938). Moreover, as he cannot be brought before the court to be further dealt with under s. 66 of the Act of 1933 after he has attained the age of seventeen, there is no means of enforcing any requirement of the order, whether it relates to residence or anything else, once the person supervised has reached that age. The new s. 4 of the Act of 1938 (re-enacting a similar provision in the old section) specifically provides that the person supervised may be brought before the court, for the purposes of an application to discharge or amend the order, even after he has attained the age of seventeen. A warrant may be issued for this purpose, but there can be few cases in which the issue of a warrant would be justifiable, having regard to the fact that the court has no power to enforce any amendment which it may decide to make.

QUALIFICATION OF PLANNERS

One hundred years of the history of planning are reviewed in the report, cap. 1, of the committee on qualifications of planners as part of their commendable purpose to set the essence of their terms of reference against a reasonably complete background. Such review builds up to the " present scope " of town and country planning and provides a firm vantage point from which to view its " prospective scope," both being features of which the committee were directed " to take account " precedent to their main purpose " to consider and report what qualifications are necessary or desirable for persons engaged in it and to make any recommendations affecting those persons which appear to the committee to be relevant."

Among the chief points of significance emerging from the historical survey are, first, that when continuous development of negative or restrictive laws, starting from the Public Health Act, 1848, changed over to one of positive or constructive planning, culminating in the Town and Country Planning Act, 1947, the planning authorities found themselves charged with a function for which their organization, that had grown by a gradual process of evolution in the county boroughs, and had hardly existed for executive functions in the counties, was not fully adapted. Secondly, the town planning profession was founded when the conception of planning was mainly local and restrictive, and when the main skills required were those of the architect, engineer and surveyor.

In defining, in cap. 2 of their report, the type of planning with which they were concerned, the committee considered the range of its objectives; this was regarded as having been extended from the prevention of certain obvious evils in local environment (affecting health, amenity and convenience) to the creation of the best possible conditions in the social, economic and strategic spheres of the national life. An analysis of the function of planning authorities (embracing several central government departments, such as the Board of Trade in relation to industrial location) showed that the function is two-fold, *viz.*, in the determination of policies and in the preparation and carrying through of a plan for the use of land in conformity with those policies. While the latter is the direct function of local planning authorities, they also have a wide responsibility in connexion with the former, the significance of which has been increased by the new powers for carrying policy into effect. It is this, with all its social and economic implications which, in the view of the committee, has more than anything else raised the question of the qualifications required by those engaged in town and country planning.

Three ways of testing the validity of that broad conception were followed by the committee. First, they looked at plans for London and Greater London, the West Midlands, South Wales and others, and felt no doubt that the attempt, already begun, to carry them through will profoundly influence the economic prosperity of the areas involved and affect the living and working conditions of millions of people living in them. Secondly, looking at the extent of the legal powers now available, the wide scope of planning envisaged in the Act of 1947 and the New Towns Act, 1946, in the form not only of control but also of positive development, was regarded as beyond dispute; important contributions to greatly increased practical possibilities of planning have been made by recent legislation by the removal in most cases of the liability to pay compensation where permission for new development or for material change of use is refused, and the positive powers given to planning authorities to secure that development is actually carried out in accordance with plans.

In the third test, one of the limitations of practical conditions was that of cost, which, the committee said, " must dominate positive planning, since there is no end to the improvements in environment which are ideally desirable." Cost had, they thought, been ignored in some of the contemporary planning proposals, thus underlining their view that " the necessity for framing programmes in a realistic way means that an essential qualification which must be represented in the staff of any planning office is ability to appreciate the relation of planning to cost based on skill in the technique of estimating it."

Cognizance of facts essential to realistic conclusions is taken in cap. 3 of the report. In the survey required by the Act of 1947, s. 5, to be undertaken by every planning authority, a good deal of specialist assistance from geographers, geologists, economists, sociologists, statisticians, and others, is involved, though they are not under existing arrangements regarded as necessarily requiring qualifications in planning. Planning staff engaged in formulating a plan may include professional architects, engineers, surveyors, landscape architects, and persons qualified in planning as such who may or may not be members of those professions but are qualified members of the Town Planning Institute. Combination in planning offices of a large proportion of routine work (*e.g.*, extension or conversion of an existing building and minor development) with work requiring very high qualities at the top, constitutes a major problem in considering the qualifications of staff.

Implementation of a plan brings in staff responsible for housing, road work, estate management, or for other local authority services, and the financial officer as regards soundness of any projects which an authority proposes to carry out itself. Analysis of the planning process into the three separate stages of survey, plan and implementation cannot, the committee state, be balanced by a correspondingly neat classification of tasks and qualifications, because planning is a continuous process in which the various skills must, while receiving different emphasis at various times, be integrated, in varying degrees, at all its stages.

Further complications in considering the posts to be filled arise from the wide variety of the organizations within which

planning staff have to work, as well as the great range of work within those organizations. Characteristics common to local planning authorities, in England and Wales comprising sixty-one county and eighty-three county borough councils, embrace customary formation of policy by elected representatives assisted by advice from the planning staff; use of technically qualified staff, consisting, as regards senior planning responsibility, largely of engineers (notably in county boroughs), partly of architects and surveyors, and a very few whose qualification is solely planning; a similar system of recruitment of staff, which does not offer opportunities for entry of university graduates to a planning career in local government service; and necessity for three categories of planning staff, *viz.*, senior to advise on major issues of policy and see that executive action is taken, experts in the main specialist skills involved, and draughtsmen, cartographers and clerks.

Differences as regards division of staff, and other features of administration of local planning authorities, spring from great divergencies of size, indicated by comparison of the London county council, and Canterbury county borough council. London has a population of 4,000,000, rateable value of £54,500,000, and employs on its planning functions approximately 200 staff; Canterbury's population is 23,500, rateable value £238,000, and staff approximately 2½. A big authority can have a separate planning department under a chief officer occupied wholly with planning, but a smaller authority must combine this work with other such as housing and architecture or roads and engineering. One of the difficult factors seen by the committee is that a small authority may, nevertheless, have important planning problems demanding some understanding of various specialist skills.

One broad distinction in the problems confronting planning authorities is between town and country, remembering that many county councils are responsible for both urban and rural planning, since there are many quite large towns which are not county boroughs. The urban problem of county borough councils, and of county councils for their urban areas, is concerned with the size of population, density of development, industrial and commercial provision to be made, replanning and development of war-damaged or slum areas, improvement of the road system, and the extent to which confusion created in the past can be disentangled. The rural problem of county councils covers, among other matters, the preservation, possibly while providing for overspill population of county boroughs, of good agricultural land, the question of concentrating housing in selected villages where water and sewerage and other facilities can be provided in the near future or maintaining the existing pattern of many small villages, and keeping land clear for coal or other mineral deposits to be worked.

Differences in the organization of the work of local planning authorities were regarded by the committee as being greater than is dictated by those of size and function. In some of the county boroughs, in particular, where the officer in charge of planning is usually the engineer, it was thought that the amount of work was sufficient to justify separate departments. Planning work in English and Welsh counties is normally organized as a separate responsibility with development control to some extent delegated to district councils grouped in areas each with an area planning officer. In authorities with difficult and complicated planning problems (more usual than exceptional) the committee consider that the clerk, as the chief administrative officer, ought invariably to be active in co-ordinating the work of the planning department with that of all others.

Before looking at existing arrangements for qualification, note was taken by the committee of the planning functions and relevant staffing of new town development corporations and planning departments of central government, and of private practitioners including consultants who have up to the present produced most of the major plans. Arrangements for qualification in town and country planning are mainly centred on the Town Planning Institute, membership of which is the recognized qualification and is broadly limited, largely by preference shown in the granting of exemption from its intermediate examination, to qualified architects, engineers or surveyors who have passed its final examination. Ten educational bodies provide courses leading to a town planning diploma which will secure exemption from the final examination of the Institute. Limitation of most diploma courses to the three professions just mentioned makes it difficult for graduates from any other faculty to become qualified in town planning.

Numerous extracts quoted in cap. 4 of the committee's report from the evidence given to them by some seventy individuals and bodies help to bring out what they describe as "the baffling complexity of views." General acceptance was observed by the committee of the need for a team to adequately discharge the planning function, but a difference of ideas on what particular discipline is the best basic training for the directing mind. There was, however, universal agreement that the man who heads a planning organization must have, among various qualities, imagination, common sense, human understanding and power of leadership; differences arose about how to attain these qualities and how they should be allied to technical knowledge. A material change in the existing system of qualification and training was contemplated by the County Councils' Association, who thought that training at the outset as a planner would produce professional competence wider than if commencing in a specialist profession. On balance, the Association of Municipal Corporations inclined to the view that a chartered civil engineer and surveyor or an architect, coupling administrative ability and experience in local government, is best suited to be in general charge of planning.

Everything else said by the committee is, they state in cap. 5, containing conclusions and recommendations, of secondary importance to recruitment of staff with first-rate qualities and educational attainments; in other words, a "good mind" for a "chief planning officer" who will assist in the organization of planning as an integral part of the whole business of a local planning authority. The chief planning officer is not regarded as something different in kind from all the rest of the planning staff, some of whom should possess, or be on the way to developing, similar abilities, partly as a source of promotion to his post. In addition to the chief planning officer, the committee envisage need for many highly specialized experts (*e.g.*, in architecture, engineering, surveying, economics, geology, estate management, etc.) in two classes, *viz.*, those continuing to work on their particular specialization and those turning to broader issues of planning giving generalized experience needed for senior posts.

Arrangements for further education and training of junior staff possessing good innate qualities are suggested, in relation to both technical staff and those handling administrative control holding the possibility of friction and delay which dangerously hamper economic activity or pass the limits of human tolerance. A danger that planning staff may leave cost to be computed at the end of the planning process would be partly met by making everyone so engaged "cost conscious." Despite a sharp decresase in the employment of consultants, the committee see a continuing need for these where, for instance, the areas of authorities are too small to employ a highly qualified chief planning officer. The place of the general public is touched upon when the committee agree that planning should be "a conscious process derived from the citizens themselves" rather than "a master

plan concept of a ready made prescription of the expert for the patient who in many cases is not consulted."

A "sound basic educational discipline" seen as one of the essentials for a chief planning officer is interpreted in terms of a university degree, preferably in a subject which has special affinity to planning. "Specialist education in planning" would normally be provided by a post-graduate course following the degree course. A chief planning officer would not need to possess a technical qualification in architecture, engineering or surveying, though the committee think it right that in local government the man who is a technician should be eligible for promotion to the highest posts provided that he proves himself to have the requisite personal qualities and administrative ability. A long period of practical experience before top planning responsibility can be undertaken is a need regarded as so obvious as to require no explanation; no doubt was felt by the committee that greater value would be derived from the post-graduate course if this were taken after a period of practical experience. "Great value" is anticipated by the committee from a planning staff college, but practical difficulties of organization and finance led to a more modest recommendation of an annual summer course of from four to six weeks to be held at and organized by a university.

Provision for marking the possession of satisfactory planning qualifications has obvious advantages, but, in the opinion of the committee, the present "hall-mark" of associate membership of the Town Planning Institute does not mean enough, and will not until the letters A.M.T.P.I. indicate the standard of a university graduate with a two-year post-graduate training and diploma. In the meantime, planning authorities are advised to look behind the letters, and consider whether the proved abilities of a candidate, combined with his education, training and experience, really fit him for a particular post. Ultimately, as part of a gradual process, conditions for admission to the Institute would be revised to include not only those but all of those who may be regarded as qualified in planning in the sense of the committee's conclusions. Changes recommended in the council of Institute would rescind insistence on a majority of members from particular "basic" professions, the aim being to secure a council fairly representing the whole of the planning profession. A reservation by one member of the committee disagreed from a majority view against including representatives both of the local planning authorities and central government departments, by co-option, in the council of the Institute.

MISCELLANEOUS INFORMATION

ACCIDENTS ON RAILWAYS, 1949

The annual report for 1949 of the Chief Inspecting Officer of Railways, recently published, shows that the year was outstanding in that no passenger was killed in a train accident, a record that has not been achieved since 1908.

Passenger journeys on British Railways totalled 1,634 millions and were only .73 *per cent.* below the 1948 total of 1,646 millions. There was a similar slight decrease in passenger miles to 24,958 millions as compared with 25,093 millions in 1948. On the other hand, total train mileage increased by 4.1 *per cent.* to 416 millions, and there was an increase of 1.6 *per cent.* in net ton miles to 21,848 millions. In all, 1,176 train accidents were reported in 1949 as compared with 1,293 and 1,388 in 1948 and 1947, respectively. Of these accidents twelve resulted in fatal injuries to persons other than passengers. The causes are analysed as follows: failure of the human element, 594; defective apparatus, 119; and other causes (such as running into snow or animals on the line and the misconduct of passengers and other persons), 463. Failures of permanent way, structures, and rolling stock totalled 4,062. These have declined steadily in the past few years and are now below the 1935-39 average of 4,149, thus indicating the progress achieved in recovery of war-time maintenance arrears.

In movement accidents, other than train accidents, forty-four passengers were killed as compared with forty-eight in 1948. Of this total thirty-eight lost their lives through falls from platforms and trains and when entering or alighting from trains. The principal causes were misadventure and carelessness or misconduct on the part of the passengers themselves. Attention is drawn specially to the unwisdom of attempting to board or leave trains in motion, and to the danger of allowing young children to play with carriage door locks. Fatalities in all movement accidents on rail, excluding trespassers and suicides, totalled 285. This was fifty-five less than in 1948 and well below the pre-war averages of 338 and 308 for the periods 1935-39 and 1930-34, respectively. The reduction was due primarily to the small number of persons killed in train accidents, namely twelve, of whom six were occupants of road vehicles at level crossings, and six were railway servants.

Attention is especially drawn to the increasing risks at a large number of occupation level crossings which, the Chief Inspecting Officer says, have in the course of years assumed the character, but not the legal status, of public road crossings. Although the number of accidents at occupation crossings in 1949, namely forty-two, was a substantial reduction compared with sixty-five in 1948 and the average of fifty-one for 1935-39, this should not be allowed to distract attention from the urgent need to better conditions.

Deaths and injuries among railway servants in all movement accidents on rail numbered 188 and 2,625, respectively. These compare with the average of 198 killed and 2,576 injured for the period 1935-39. There were 123 fatalities while working, walking, or standing on the permanent-way on duty. Although two less than in 1948, the total is above the averages of 114 and 116 for the periods 1935-39 and 1930-34, respectively.

The Chief Inspecting Officer states that the whole of the decrease in the overall number of casualties was due to greater safety in operation, and that, while accidents due to technical defects and other causes showed an encouraging decline, there was not a corresponding improvement in the numbers resulting from failure of the human element. There was also a slight set-back in the almost continuous improvement since 1941 of the war-time peak in the figures for movement and non-movement accidents to railway servants. In many cases such accidents are due solely to want of personal care on the part of the individual worker, but they should not be regarded by anyone as inevitable, and the need is emphasized for continuous attention, at all levels, to safety of the staff.

The Chief Inspecting Officer concludes that there appears to be no valid reason, apart from ill fortune, why the good safety record of 1949 should not be maintained in spite of the factors which are retarding progress in many directions. He states, however, that there are still too many accidents which could be avoided by ordinary attention by railwaymen to duty, and emphasizes that, whatever is done by providing modern safeguards, much will always depend on the men themselves and on the supervision and training they reserve. Good leadership and encouragement of the right outlook are essential, but in the railway service, where so many men have to work for long periods without supervision, and often alone, the self discipline of individuals, which is perhaps its highest form, is of supreme importance to the safety of the public and of themselves.

SHOP ACT, 1950.—CLOSING HOURS OF SHOPS

1. Continuance of Winter Closing Provisions

In Home Office Circular No. 209/1950, reference is made to Home Office circular No. 194/1950 of October 3 (*see* p. 637, *ante*). An Order in Council was made on November 2, under subs. (1) of s. 7 of the Shops Act, 1950, continuing in force until December, 10, 1951, the provisions of the Act relating to general closing hours during the winter months.

2. Christmas 1950

The Secretary of State has had under consideration the question of exercising his power under subs. (1) of s. 43 of the Shops Act, 1950, to suspend the operation throughout England and Wales of the provisions of the Act relating to general closing hours during the few days immediately before Christmas, but he does not propose to exercise this power this year.

Local authorities have power, under subs. (2) of s. 43 of the Act to suspend the general closing hours, subject to the limitations imposed by the proviso to subs. (2), which prohibits suspension for more than seven days in the aggregate in any year, and the Secretary of State is advised that it is open to local authorities in districts where the circumstances justify it to exercise this power at Christmas.

VITAL STATISTICS : THIRD QUARTER, 1950

Provisional figures for England and Wales published by the Registrar-General show that the numbers of both stillbirths and deaths of children under one year of age registered in the third quarter of this year were the lowest on record for any quarter in this country. The proportion of live births per head of population was the lowest for this quarter for ten years.

There were 3,889 stillbirths registered, giving a rate of 22.3 per thousand total live and stillbirths, compared with 4,118 and a rate of twenty-two in the third quarter of 1949 (this is the lowest recorded in this country for any quarter). In the corresponding quarter of 1938 the figures were 6,072 and thirty-seven.

Deaths of children under one year of age numbered 4,154, representing a record low rate for any quarter of twenty-four per thousand related live births. The previous lowest rate (twenty-seven per thousand was in the third quarter of 1949, when there were 4,915 infant deaths, while in the same quarter of 1938 there were 6,629 infant deaths and a rate of forty-two.

The number of live births registered in the quarter was 170,180, representing a rate of 15.4 per thousand total population, compared with 183,221 and 191,858 in the corresponding quarters of 1949 and 1948 respectively. The latest figures thus continue the decline from the figure of 216,508 registered in the September quarter of 1947.

There were 102,857 deaths registered, giving a rate of 9.3 per thousand total population, compared with 101,190 and a rate of 9.2 and 101,548 and a rate of 9.3 in the corresponding quarters of 1949 and 1948 respectively.

In the following table the numbers and rates of live births, stillbirths, total deaths and deaths of children under one year of age registered in the September quarter, 1950, are compared with those for the September quarters of 1949, 1948 and 1938 :

	LIVE BIRTHS		STILLBIRTHS	
Third Quarter of :—	Number	per 1,000 total population	Number	per 1,000 total live and stillbirths
1950	170,180	15.4	3,889	22.3
1949	183,221	16.6	4,118	22.0
1948	191,858	17.5	4,447	22.7
1938	158,082	15.2	6,072	37.0

	DEATHS (including non-civilians)		DEATHS OF INFANTS UNDER ONE YEAR	
Third Quarter of :—	Number	per 1,000 total population	Number	per 1,000 related live births
1950	102,857	9.3	4,154	24
1949	101,190	9.2	4,915	27
1948	101,548	9.3	5,514	28
1938	102,545	9.9	6,629	42

REVIEWS

The National Health Service. By Roger Ormrod and Harris Walker. London : Butterworth & Co. (Publishers) Ltd. Price 27s. 6d. net.

This book gives in narrative form an account of the services established by the National Health Service Act, 1946, as altered by the amending Act of 1949, and implemented in many statutory instruments. The method adopted is to keep the narrative account, which covers rather more than one hundred pages, separate from the annotated text of the Acts, the notes on these being supplied by another learned author, Mr. J. H. Ellison. Mr. Ormrod, whose name appears first on the title page, has medical as well as legal qualifications, and the object of the authors has been to produce a readable description of the law in such a way that medical practitioners, dentists, and laymen engaged in the operation of the National Health Service, may be able to learn what is its legal and administrative basis.

This book is a reprint of a statutes supplement issued with Butterworths Emergency Legislation Service, and will of course be supplied in that form to subscribers to that service. A separate printing has been made for those who do not subscribe to the service and in this reprint a copy of the text of the Statutory Rules and Orders and Statutory Instruments as they appear in Butterworths Emergency Legislation Service is included after the index. Cross references are contained to that Service throughout the preceding pages of the book and the device above mentioned has ensured that these cross references are of the utmost utility to readers whether they own the Service as a whole or not.

What we have called the narrative portion of the book is in a sense its most important feature : after a general introduction, in which the scheme of the legislation is explained, it is divided into parts. The hospital and specialist services come first, and then the general medical and connected services. This part concludes with a chapter on the investigation of complaints and disciplinary proceedings. These parts of the book cover roughly four-fifths of the narrative portion. Part III then takes up the local health authorities' services, followed by the administrative provisions such as travelling expenses and superannuation. Everything which the ordinary person, lay or medical, can wish to find in a textbook of this sort seems to be included. There is, for example, a lucid explanation of the effect of the Acts on partnership agreements, as also of the provisions in regard to treatment of patients in private wards ; the arrangements for the payment of expenses of specialist practitioners and, in short, every question which we can imagine as being likely to occur. The annotation of the statutes by Mr. Ellison appears, so far as we have been able to judge, to pick up all the points upon which explanation is needed, and to give ample cross references. Taken as a whole, so far as we can judge in a field which is on the border line of our special interests, the three learned authors concerned have produced a work which is destined to become the standard book of reference, in the hands of those for whom it is intended.

Law of Parent and Child. By Erwin Spiro. Cape Town and Johannesburg : Juta & Co., Ltd. Price 57s. 6d.

A book of this kind, dealing with South African law, is of value and interest to readers in this country as a study in comparative law. Dr. Spiro, who is an advocate of the Supreme Court of South Africa, gives some particulars of Roman law, German law, Roman-Dutch law and English and Scots law, and even of some other legal systems, by way of historical introduction to his subject, and then proceeds to a detailed examination of the present law of the Union of South Africa.

The exercise of parental power, questions of guardianship and maintenance, and proceedings in which parent and child may be involved are discussed with copious annotations.

At a time when the law of adoption has recently been undergoing change in this country it is interesting to note one or two points of comparison. In England an adoption order cannot be rescinded, and there is no right of appeal, save on a point of law, from the decision of a juvenile court. In South Africa, the court is competent to rescind its order, and there is always an appeal from the making or rescission of an order. The court also has a discretion to grant access by a parent or guardian of the child for a period of two years from the making of an adoption order.

If a parent has conduced to the commission of an offence by his child who is under nineteen years of age he is guilty of an offence. If such a child would probably not have committed the offence had his parent taken proper care of him, the parent is deemed to have conduced to the commission of the offence.

The book is well arranged and well printed. There is an extensive bibliography which shows how widely Dr. Spiro must have studied his subject.

Weights and Measures Handbook

The Institute of Weights and Measures Administration has asked us to point out that the price of the Weights and Measures Handbook Directory is 7s. 6d. net. The price of the Handbook (15s.) is not inclusive of the Directory.

THE WEEK IN PARLIAMENT

From Our Parliamentary Correspondent

At question time in the House of Commons, Mr. Boyd-Carpenter (Kingston-upon-Thames) asked the Attorney-General whether he was aware that the *Surrey County Clarion*, the organ of the Surrey Federation of Labour Parties, in its issue for August, 1950, stated that three gentlemen identified therein by name had been nominated by the Surbiton Labour Party for consideration for appointment as justices of the peace; and whether, as those gentlemen would now, if appointed, inevitably be regarded as political nominees, consideration would be given to the undesirability on those grounds of appointing any of them.

The Attorney-General, Sir Hartley Shawcross, replied that he was aware of the statement. The Lord Chancellor was of the opinion that it was undesirable for many reasons that the names of candidates for appointment to commissions of the peace should be prematurely published, but he had no power to prevent publication by an independent body.

The Lord Chancellor had no objection to any organization, political or otherwise, suggesting to his advisory committees the names of persons considered to be suitably qualified for appointment as justices. If an advisory committee, after considering all the relevant circumstances, recommended a candidate for appointment as being in every respect suitable for the office of justice of the peace, the Lord Chancellor would not decline to accept the recommendation solely on the ground that the name of the candidate had already been published as having been recommended by a particular organization.

QUARTER SESSIONS APPEALS

Mr. D. H. Amory (Tiverton) asked the Secretary of State for the Home Department whether he would consider the desirability of a shorthand record being taken of proceedings in all cases before an appeal committee of quarter sessions.

The Secretary of State for the Home Department, Mr. Chuter Ede, replied that the question whether an appeal committee of quarter sessions had a shorthand note of its proceedings taken was a matter for the appeal committee. Decisions of appeal committees on appeal from decisions of courts of summary jurisdiction were final on matters of fact, and the only appeal was by way of case stated on a point of law. Such appeals were infrequent and seldom involved a minute consideration of the evidence. He was not satisfied on the information at present before him that the legislation which would be needed to require appeal committees to have a shorthand note taken in all cases would be justified.

CRUELTY TO CHILDREN

Squadron-Leader Cooper (Middlesbrough W.) asked the Secretary of State for the Home Department whether his attention had been drawn to the increase in the number of offences of cruelty to children; and what steps he proposed to take to give greater powers to the courts to deal more effectively with those offences.

Mr. Ede replied that the number of offences of cruelty to, or neglect of, children in the first half of 1950 was slightly more than one half of the number in the year 1949, and almost exactly one half of the numbers in each of the years 1948, 1947 and 1946, which showed a substantial decrease from the numbers in the four preceding years. He had no reason to suppose that the powers of the courts to deal with those offences were inadequate.

BRIGHTON PROSECUTION

Sir H. Williams (Croydon E.) asked the Secretary of State for the Home Department whether he was prepared to advise the remission of the sentence imposed upon Partick O'Sullivan, of Princess Street, Brighton, who had been sent to prison because he was unable to pay the fine imposed upon him for the offence of building a house with his own labour, without having obtained all the necessary consents.

Mr. Ede replied that he had inquired into the matter. The prosecution was by a local authority. In December, 1949, summonses were taken out by the Brighton Town Council against O'Sullivan for a breach of Defence Regulation 56A and non-compliance with local building byelaws and later a warrant for his arrest was issued as he failed to appear on the return of the summonses. He was eventually arrested, and on October 31 he pleaded guilty before the Brighton bench to the several charges and was committed to prison on failure to pay the fines imposed by the court.

Mr. Ede added that on the information before him he could find no ground for recommending any interference with the sentences.

ODE TO J.P.C.

Who is this poet—J.P.C.
Who chatters on in rhyme,
Whose verse appeals much more to me
Than theme of Harry Lime.

He's one, I'm sure, the law doth own
A witty advocate?
Perhaps "A power behind a throne"?
Or poet Laureate!!

J.W.

PERSONALIA

RETIREMENT

Lord Ilkeston, a stipendiary magistrate of Birmingham since 1910, is to retire at the end of November. Lord Ilkeston, who is eighty-two, is the only English peer to occupy such a position. He retired from the chairmanship of the Warwickshire quarter sessions last July; he had held this position since 1921.

PARLIAMENTARY INTELLIGENCE

Progress of Bills

HOUSE OF COMMONS

Monday, November 13

PUBLIC WORKS LOANS BILL, read 1a.

Tuesday, November 14

SUPERANNUATION BILL, read 2a.
DANGEROUS DRUGS (AMENDMENT) BILL, read 2a.

Wednesday, November 15

REINSTATEMENT OF CIVIL EMPLOYMENT BILL, read 1a.
RIVERS (PREVENTION OF POLLUTION) BILL, read 1a.

Friday, November 17

RESTORATION OF PRE-WAR TRADE PRACTICES BILL, read 3a.
SOLICITORS BILL, read 3a.

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LAW AND PENALTIES IN MAGISTERIAL AND OTHER COURTS

No. 75.

PETIT MAL WHILST DRIVING A MOTOR VEHICLE

During the summer a bus driver appeared at Feltham magistrates' court charged with dangerous driving and driving without due care and attention. He pleaded not guilty to both charges.

The evidence for the prosecution was that the defendant, whilst driving a motor coach along a main arterial road, had collided with a light motor van, which was stationary, close to its nearside kerb, facing in the same direction as the motor coach. A passenger in the motor coach, who gave evidence for the prosecution and who had an unobstructed view from the front passenger's seat, said that the van had been clearly in sight in broad daylight—it was 1.50 *p.m.*—for at least 100 to 150 yards along a straight stretch of road. The coach was travelling at a normal speed close to its nearside. As it approached the stationary van it did not change course or speed or apply its brakes, but crashed straight into the van. After the collision he heard the defendant asking what had happened and stating that he had not seen the stationary vehicle. In a statement to the police, the defendant said he was following a lorry towards London when it suddenly pulled out, and he saw a stationary van in front of him. He braked and tried to avoid it, but hit it before he could clear it.

The defendant did not complain of illness at the time of the collision, but at the hearing stated that some three or four months' prior to the collision he had felt giddy and had been to the doctor. He did not feel giddy on the morning before the collision. He did not feel very well at first, but recovered before the journey in question. A few miles before the collision he had felt a bit shaken, but after easing to the side and taking smelling salts, he felt revived. He had been following a big lorry and had eased to let another lorry come from a side road, but had no recollection of seeing the stationary van, and did not know what he had hit until after the collision. He had some recollection of seeing a cloud in front of him. Shortly afterwards, he went to the doctor and was examined by a specialist at hospital. He had been driving coaches since 1932 and had had only one other accident, when the coach skidded on an icy road.

The defendant's doctor stated in evidence that he had been first consulted by the defendant about two months' previously when the defendant had complained of giddiness. After careful examination he could find nothing, and formed the opinion that the defendant was fit for ordinary duty as a bus driver. He again saw the defendant after the collision and, as a result of inquiries from the defendant's wife, and a further examination, formed the opinion that the defendant was suffering from *Petit Mal*. This opinion was confirmed by the hospital after further examination had been made and encephalograph tests taken.

The magistrates decided to adjourn the case for the attendance of the specialist who had examined the defendant at the hospital.

At the further hearing the defendant's wife was first called and gave evidence that a few weeks prior to the collision she had at times observed her husband, whilst sitting in a chair, shut his eyes for a matter of seconds and when he opened them his eyes were staring. She had asked her husband whether he was feeling all right. In spite of the fact that he had replied in the affirmative, she had been worried and had eventually reported the matter to the doctor because her husband appeared to be quite unconscious on three occasions. The specialist who attended the defendant in hospital then gave evidence, and produced the encephalogram taken when the defendant was examined at the hospital, about a month after the collision. The defendant had been under observation in the hospital for just over fourteen days. The encephalogram produced showed paroxysmal variations from the normal frequently associated with epilepsy of this type and confirmed the diagnosis already made from observations and examination. The evidence of the wife's observation of her husband's conduct and the fact that the defendant reported that he often felt like fainting, but did not faint, were recognizable symptoms of *Petit Mal*. The times of unconsciousness would be very short, but during that time the patient would not know what he was doing.

The Chairman announced that the bench accepted the evidence called on the defendant's behalf, and were satisfied that owing to the illness of which he was not aware beforehand he had had a sudden period of unconsciousness immediately before the collision and on this account he would be acquitted on both charges.

COMMENT

Mr. Frank Bevan, the clerk to the justices, Spelthorne, to whom the writer is indebted for this report draws attention to the marked similarity between the case reported above and that which formed the subject of Mr. Craig Parry Hughes article on *Petit Mal* which appeared at p. 16, *ante*.

One cannot avoid a feeling of anxiety when reading a report such as this for it is apparent that the unfortunate victim of an attack of *Petit Mal* may well be wholly ignorant of the fact that he is a sufferer from this complaint and it is a sobering thought that engine drivers, coach drivers and other persons who are habitually accustomed to be responsible for the lives of passengers may well suffer from an attack rendering them, whilst performing their duties, wholly oblivious of surrounding circumstances. R.L.H.

No. 76.

THE SLAUGHTER OF A HEIFER

A thirteen year old school boy appeared at Swansea juvenile court at the end of September last charged first with stealing a .22 rifle and fifty rounds of ammunition valued together at £8 3s. 6*d.* contrary to s. 2 of the Larceny Act, 1916, and secondly, with maliciously killing a cross-bred shorthorn Hereford heifer valued at £30, contrary to s. 40 of the Malicious Damage Act, 1861.

For the prosecution it was stated that a farm labourer heard shots and later saw the boy climbing over a wall between two fields. The boy said: "A boy has shot the bull; will you come and see?" The heifer was lying on its side, dead. It had been shot in the forehead, and the wound was four inches deep, which indicated that the shot must have been fired at point-blank range. The rifle, which was later identified as one that had been stolen from a rifle range, was found wrapped in canvas near the wall where the boy had been standing.

In a statement to the police the boy said that he was frightened when the heifer charged towards him so shot and instantaneously killed the animal in self defence.

To the court, the boy admitted stealing the rifle and ammunition and explained that the gun had been accidentally discharged in the direction of the heifer.

He was fined 40s. on each charge and ordered to pay 9s. costs.

COMMENT

It is worth noting that the Malicious Damage Act, 1861, distinguishes sharply between the killing or maiming of cattle and the killing or maiming of other animals. Section 40 provides for very heavy punishment up to fourteen years penal servitude for the killing, maiming or wounding of cattle. Section 41 enacts that persons convicted of killing, maiming or wounding dogs, birds and other animals, other than cattle, being either the subject of larceny at common law or being ordinarily kept in confinement or for domestic purposes may be sentenced for a first offence to six months' imprisonment and for a second offence to twelve months' imprisonment.

It is difficult at the present day to justify the marked disparity in punishment permitted by the sections. R.L.H.

PENALTIES

Salisbury Juvenile Court—October, 1950—causing £30 worth of damage to a five-ton lorry (six defendants)—all discharged conditionally on being of good behaviour for twelve months' and each to pay £5 4s. costs. The boys, aged between eight and twelve, threw stones at the lorry breaking the windscreen, smashing the headlamps, etc. None of the boys had been in trouble previously.

Abingdon—October, 1950—(1) stealing growing fruit, (2) driving an uninsured car—(1) fined £3, (2) fined £2, and disqualified from driving for twelve months. Defendant, a twenty-six year old vegetable chef, was seen to draw up at an orchard and to return to his car with an armful of apples. The car had been lent him by a friend who erroneously thought that the insurance covered any driver driving the car with his permission.

Oldbury—October, 1950—drunk in charge of a motor coach—fined £10. To pay £5 5s. costs, twelve months' disqualification. Defendant, a forty-six year old coach driver who had driven for twenty-seven years with no previous conviction of any kind, was followed for six miles by a police car. They noticed the wheels twice mounted the curb and once brushed the curb. Three passengers stated they saw nothing wrong with the driving.

Cardiff—October, 1950—obtaining £12 10s. by means of forged instruments—six months' imprisonment. Defendant, a woman, obtained money by means of two family allowances, two maternity grants and one attendance allowance.

PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Children and Young Persons—*Children and Young Persons Act, 1933, s. 63 (1) (b)—Fit person order made by magistrates' court—Child not before court—Parent "harbouring" child after order made—Action to be taken.*

If a child has been ordered to be sent to an approved school and the parents harbour same when due to go to the school, action can be taken under s. 72 (4) of the Children and Young Persons Act, 1933. If a child escapes from a remand home and is harboured by the parent the latter can be dealt with under s. 78 (4), and s. 82 (4) (*b*) deals with escapes from approved schools and subsequent harbouring. Section 85 (3) (*b*) reads: "Any person who knowingly harbours or conceals a child or young person who has so run away (from a fit person) or prevents him from returning" can be suitably dealt with, but no provision appears to have been made for dealing with a person who harbours a child committed to the care of a fit person before such person *has actually received* the child. If an education welfare officer obtains a direction from the magistrates' court under s. 40 of the Education Act, 1944, to bring a child before the juvenile court under s. 62 of the Children and Young Persons Act, 1933, and the court is of opinion that the said child should be committed to the care of a fit person, if the parent and child are not present, the case may be adjourned and a warrant issued for their appearance at the next court: the child could then be handed over to the children's officer, but if a person is convicted of a first schedule or s. 10 offence, and the magistrates' court, under s. 63 (1) (*b*), orders the child to be committed to the care of the local authority, what action can be taken if the parent harbours the child? JOT.

Answer.

We cannot find that any action is authorized to be taken in the circumstances indicated. We suggest that the magistrates' court should act under s. 63 (1) (*a*) and not 63 (1) (*b*) if there appears to be any possibility of this difficulty arising.

2.—Criminal Law—*Hackney carriage fare—Avoiding payment—Charge of obtaining credit by fraud.*

There is a difference of opinion as to whether "bilking a cab proprietor" constitutes the offence of obtaining credit by fraud—contrary to the Debtors Act, 1869, s. 13. Personally I do not think it does, but remedy may be sought in the summary court by s. 66 of the Town Police Clauses Act, 1847, where it applies.

It appears there are three factors in credit by fraud—(1) incurring of a debt, (2) obtaining of credit, (3) fraud.

Where a cab is hired, the passenger incurs a debt when he arrives at his destination when he is called upon to pay at once, no credit being given. The fraudulent mind is shown by running away. Those who hold a different view to me and state that it is an offence, are at loss to explain their lack of consistency when they hold that a person travelling on the railway with an out of date ticket and with intent to avoid paying their fare do not commit the offence of credit by fraud.

The matter is of considerable interest to police officers stationed here as our colleagues in an adjoining section are treating cab "bilking" as credit by fraud which is recorded as a crime for purpose of official returns. We in this district like to be correct in law, and not charge for purpose of boosting crime figures.

JYL.

Answer.

We cannot find any High Court case in which this point has been decided, although at p. 82 of this year's volume we noted a case in which a conviction was recorded at Oxfordshire Quarter Sessions on such a charge.

We dealt with the matter at length in an article at p. 445, *ante*. It is to be noted that in addition to the special provisions of the London Cab Act, 1896, referred to in our article, s. 66 of the Act of 1847, gives a special remedy where fares have been fixed by the local authority. In many boroughs and urban districts fares have not been fixed by the local authority, and the passenger's obligation to pay rests on the contract. If he enters on the contract with fraudulent intent we think *R. v. Jones* (1898) 62 J.P. 33 clearly applies. We think that an offence against s. 13 of the Debtors Act, 1869, can properly be charged.

3.—Food and Drugs Act, 1938, s. 70—*Sample handed to wrong person.*

A farmer was met by a sampling officer at a collecting centre, and the officer was present when the farmer took a churn of milk from the vehicle and placed it on the floor of the dairy. The sample was taken in the presence of the farmer who afterwards handed the churn over to the person in charge of the dairy. The churn bore no label stating a name and address but, upon the farmer's so requesting, a portion of the sample was handed to him. The sample has since been found to be adulterated. The place of delivery was the collecting centre and it appears that, notwithstanding the farmer's presence (and admission that the milk was his) the sampling officer should not have handed one portion to him. I should be glad if you would express an opinion as to whether proceedings would be safe or not. A. CEW.

Answer.

What was done did not accord strictly with s. 70 (1) or (2) of the Food and Drugs Act, 1938, and we do not consider it safe to proceed.

4.—Highway—*Street lighting—Private street.*

The council have been requested and intend to provide light, by the erection of one standard at the entrance to a street which has not been made up. The Private Street Works Act, 1892, has been adopted in the district but not yet put into operation in respect of this street.

1. Will the erection of the standard amount to an act of adoption of the street by the council?
2. Will it prejudice the future position of the council to any extent with regard to putting into operation the Private Street Works Act?
3. Should not some form of indemnity be obtained (if possible) from the frontagers, waiving any claim they may in the future level against the council under 1 and 2 above? A.N.P.

Answer.

Section 161 of the Public Health Act, 1875, empowers the council to do what they propose without using the Act of 1892 and without impairing their subsequent position thereunder. *See Lumley's* note at p. 4398, and cross-reference at p. 4447.

5.—Housing Act, 1949—*Building Materials and Housing Act, 1945—Excess cost—Supplementary licence—Selling price not varied.*

L is the holder of a building licence which limits the maximum selling price of a house now in the course of erection to £X. Construction of the house was begun some months ago, and the builder is now informed that in view of the increased building costs the house cannot be completed under the licensed price. L has been offered a supplementary licence to build the house on the express stipulation that the maximum selling price of £X cannot be varied. It has been argued that there is no statutory authority for the variation of a maximum selling price accepted by a licensee as a condition under which he may do certain specified work, and duly registered as a local land charge. Section 43 (5) of the Housing Act, 1949, unfortunately has no application. The subsection refers only to works executed after the construction or provision of a house.

I am inclined to the view that a supplementary licence must be read into the principal licence and the licensing authority should provide for the variation of the initial maximum selling price. The very grant of a supplementary licence by a licensing authority implies that the increased cost involved is absolutely essential to the carrying out of the specified work originally agreed upon, and the licensee therefore cannot be bound by the condition as to the maximum selling price incorporated in the original licence.

Do you agree this view? AOUM.

Answer.

We do not agree. Perhaps this ought to be the law, but we cannot find any authority for reading it in to the Act of 1945. Indeed, s. 43 of the Act of 1949 seems to indicate that Parliament purposely abstained from the enactment you would wish to see.

6.—Local Government Act, 1933—*Disability for voting—Medals for ex-chairman—Legality.*

My council are considering the presentation of medallions to ex-chairmen of the council. These medallions will cost in the region of £10 each and will be inscribed with the name of the recipient and year in which he occupied the office of chairman of the council. Several members of the council are ex-chairmen. I am doubtful whether or not application should be made to allow ex-chairmen present to discuss and vote on this subject. Section 76 of the Local Government Act, 1933, refers to a pecuniary interest direct or indirect in any contract or other matter. By reason of the engraving on the medallion—it is gilt on silver—I do not think that any ex-chairman would be able to

sell this, even if he so desired, which in any case is extremely unlikely. I have not been able to find any authority on this but in my opinion such a presentation as mentioned to an ex-chairman would not constitute a pecuniary interest as mentioned in the section. I would be glad to have your opinion. BEANO.

Answer.

We should have thought it plain beyond argument that there was a pecuniary interest. A silver gilt object, be it a medal or a challenge trophy, is no doubt less readily saleable if it bears an inscription, but inscriptions can be removed, while £10 worth of silver will have at least an appreciable melting down value. The intended recipients of the medal can therefore not take part in the discussion unless the disability is removed under s. 76 (8). Disability can, however, be removed upon two grounds alone. Unless ex-chairmen are so numerous that their disability will impede the transaction of business, application to the Minister will have to be "in the interests of the inhabitants of the area," and even were the expenditure legal (which it surely is not: *A.-G. v. Batley Corporation* (1872) 26 L.T. 392), we fail to see what interest of the inhabitants would be served by spending their money upon silver plate for councillors, or even on discussion of a project for such spending.

7. Music, etc., licence—*Registered club—Dances limited to members, their guests or friends—Whether licence necessary.*

We have been consulted by a client, the owner of premises which are being used as a hotel. Certain rooms have been set aside for the use of a club and steps are being taken to register under the Licensing Act. Our client desires to use one of the club rooms for the purpose of music and dancing, admission being limited to *bona fide* club members and their guests or friends. We are inclined to advise our client that the premises do not require to be licensed under the above-mentioned Acts, but we would greatly appreciate your opinion having regard to the absence of authority on this point. NONO.

Answer.

We have no doubt that a room in a registered club can be used for music and dancing in such a way that it would not be kept for *public* music and dancing within the meaning of the Home Counties (Music and Dancing) Licensing Act, 1926. The line between what is public and what is private in this connexion is a very narrow one and would be drawn by the justices according to their view of the facts (*see Maloney v. Lingard* (1898) 42 Sol. J. 193). In the case outlined, admission is limited, in addition to *bona fide* members of the club, to their guests *or* friends; indicating that "friends" would be admitted otherwise than as members' guests, *i.e.*, for payment. What are friends? A popular song, to which one occasionally dances, says "Your friends are my friends; and my friends are your friends: the more we are together, the merrier we'll be." It could be successfully contended that the undefined expression "friends" is so comprehensive in scope that the limitation is merely a colourable device to describe a public dance as something else.

We think that proper caution suggests the desirability of applying for a licence.

8. National Registration—*Person asked for card by constable in uniform—Time when offence committed.*

Under reg. 37 of the National Registration Regulations, 1939, S.R. & O. 1939, No. 1248, it is an offence for any person to fail to produce his identity card when requested to do so by one of the classes of persons named in the regulation. A proviso in para. (2) states, "The period within which an identity card is to be produced for the purpose of the proviso to s. 6 (4) of the Act shall be two clear days."

The first point raised is: if a person fails to produce his identity card within the two clear days of its being required to be produced, is the date of the offence, for the purpose of process, the date of which he was first asked to produce the identity card, or two clear days after the date he was asked to produce it?

The second point is: If a man is asked to produce his identity card, but is unable to do so, and refuses to name a police station where he can produce it within the two clear days, and the police officer does not name a police station where it is to be produced, can the man be proceeded against for failing to produce, etc.? In this case the question of the man's right name was not in dispute. ADE.

Answer.

1. Where the person asked for his card invokes reg. 37 (2) (*a*) we think, upon the language of s. 6 (4), *viz.*, "to produce it within such time" that the offence is complete (and the six months' limitation begins to run) on the expiry of the prescribed time, *i.e.*, the two days.

2. Where reg. 37 (2) (*a*) can be invoked it is not for the constable to name a police station. The person asked for the card has the right of doing so. But he can only do so at the time of the demand. If he fails to take advantage of this provision, we are inclined to think that the offence is complete at the time when he is asked for his card by a constable in uniform and does not produce it.

9. Road Traffic Acts—*Insurance covering driving by insured of vehicles other than the one he owns—Sale of that vehicle—Validity of policy thereafter to cover driving by him of another vehicle not owned by him.*

I shall be much obliged if you will kindly give me your valued opinion on the following point.

A owned a motor cycle and held a certificate of insurance on that vehicle which covered him also whilst driving the motor cycle of another person. He sells his motor cycle and retains the certificate of insurance and does not tell his insurers of the sale of the insured motor cycle. He is subsequently detected driving the motor cycle of B (which was not the insured vehicle) which is insured only when in use by B. A has been summoned for user without insurance.

On p. 2078 of *Stone*, 1950, the case of *Peters v. General Accident Fire & Life Assurance Corporation, Ltd.*, is reported as follows:

> A policy lapses on the sale by the assured of the insured car to another.

A contends that his insurance is still effective and covers his driving of the motor cycle of another, notwithstanding the decision in the *Peters* case. His insurers state that they consider the policy still effective to this extent. JASS.

Answer.

This is a difficult question which we answer with hesitation.

The case of *Peters v. General Accident Corporation, Ltd., supra*, is not wholly in point because it involved the transfer without the corporation's consent of the cover of the policy to another person. It was held that the contract of insurance could not be so assigned by the old owner to the new.

With regard to the question now asked, we feel that fundamentally the ownership by the insured of a car is the basis of the policy, and that an insurance company does not intend to give general cover to a person who does not own a car to drive any car he may choose. On the other hand, unless there is a clause in the policy rendering it invalid on the sale by the insured of the vehicle to which it relates we think that it cannot be said that on the material date there was no insurance policy in force relating to the user of B's motor cycle by A.

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Appointment of Senior Probation Officer

APPLICATIONS are invited from serving probation officers (full time) for the Appointment of Senior Probation Officer (full time) for the above joint probation Area.

The appointment will be subject to the Probation Rules, 1949, and the selected candidate will be required to pass a medical examination. Reasonable expenses incurred in travelling in the course of duty will be paid, or in the event of the selected candidate owning a motor car, and its use being authorized, a motor car allowance of £84 per annum.

Applicants must have had wide experience as probation officers, and be capable of supervising the work of other officers.

Applications, stating age, present position, educational qualifications and experience, together with copies of not more than three recent testimonials, should reach Norman F. Lambert, Esq., Secretary of Gateshead County Borough Probation Committee, Town Hall, Gateshead, 8, not later than December 23, 1950.

NORMAN F. LAMBERT,
Secertary of the Gateshead County Borough Probation Committee.

CLIVE DIXON,
Secretary of the Gateshead County Petty Sessional Division Probation Committee.

COUNTY BOROUGH OF WOLVERHAMPTON

Appointment of Law Clerk

APPLICATIONS are invited (preferably from persons with experience in a legal office) for appointment to my staff to undertake duties connected mainly with the local land charges register and municipal mortgage deeds. Salary grade: higher clerical division (£440—£485 per annum for men, £354—£390 for women). The commencing salary will be fixed according to age and experience. The appointment will be subject to the conditions of service of the National Joint Council for Local Authorites' Administrative, etc., Services, to the provisions of the Local Government Superannuation Act, 1937, and to passing a medical examination, and will be determinable by one month's notice on either side.

The council have adopted a temporary scheme for the payment of subsistence and travelling allowances in suitable cases.

Applications, together with the names of two referees, should reach me not later than Friday, December 8, 1950.

Canvassing, directly or indirectly, will be a disqualification.

J. BROCK ALLON,
Town Clerk.

Town Hall,
Wolverhampton.

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COUNTY BOROUGH OF DARLINGTON

Appointment of Male Probation Officer

APPLICATIONS are invited for the appointment of full-time male probation officer, at a salary in accordance with the Probation Rules, 1949.

Applications should be sent to my office not later than December 9, 1950.

J. FENWICK MOORE,
Secretary to the Probation Committee.

10, Houndgate,
Darlington.

WARWICKSHIRE COUNTY COUNCIL

Junior Assistant Solicitor

APPLICATIONS are invited from admitted solicitors for the post of junior assistant solicitor in the office of the clerk of the peace and of the Warwickshire County Council. The salary of the appointment will be £635 per annum, rising by annual increments of £25 to a maximum of £760 per annum, but the commencing salary of the successful candidate will be fixed within the scale according to age and experience.

The appointment is subject to the Local Government Superannuation Act, 1937, and the successful applicant will be required to pass a medical examination.

Applications, on forms to be obtained from the Clerk of the Council, Shire Hall, Warwick, must reach the undersigned not later than December 18, 1950.

L. EDGAR STEPHENS,
Clerk of the Council.

Shire Hall,
Warwick.

COUNTY OF MONMOUTH

Petty Sessional Division of Bedwellty

Appointment of Clerk to the Justices

APPLICATIONS are invited from persons duly qualified, for the appointment of full-time clerk to the justices for the petty sessional division of Bedwellty, the duties to include those of collecting officer and secretary to the probation committee.

The salary will be at the rate of £1,150 per annum rising by three annual increments of £50 to a maximum of £1,300 per annum. Office accommodation and staff will be provided, together with the necessary stationery, etc. Travelling expenses for attending the eight separate courts in the division will be allowed.

The appointment is subject to the provisions of the Local Government Superannuation Act, 1937, and will be terminable by three months' notice on either side.

The successful applicant will be required to pass a medical examination, and commence his duties on April 1, 1951.

Applications, stating age, qualifications and experience, together with copies of not more than two recent testimonials, must reach the undersigned not later than December 11, 1950.

H. E. BADMINGTON,
Clerk to the Justices.

Central Chambers,
Tredegar.

COUNTY OF MONMOUTH

Bedwellty Probation Area

Full-time Male Probation Officer

APPLICATIONS are invited for the above appointment. The appointment will be subject to the Probation Rules. The successful candidate will be required to pass a medical examination.

Applications, stating age, qualifications and experience, with copies of not more than two recent testimonials, must reach the undersigned not later than December 11, 1950.

H. E. BADMINGTON,
Secretary to the Probation Committee.

Central Chambers,
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